

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**JOHN P. BAKER**

Claimant

VS.

**THE BOEING COMPANY-WICHITA**

Respondent

AND

**AMERICAN MANUFACTURERS  
MUTUAL INSURANCE COMPANY**

Insurance Carrier

AND

**KANSAS WORKERS COMPENSATION FUND**

Docket No. 199,973

**ORDER**

Respondent appeals from a Preliminary Hearing Order of Administrative Law Judge Nelsonna Potts Barnes, dated October 10, 1995, wherein the Administrative Law Judge denied respondent's Motion to Quash the deposition of Gail Carrier and allow the deposition to continue with certain restrictions.

**ISSUES**

- (1) Whether the Administrative Law Judge exceeded her jurisdiction.
- (2) Whether the Administrative Law Judge's Order is inconsistent with that of other administrative law judges.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the evidence presented and for the purpose of preliminary hearing the Appeals Board finds as follows:

The Appeals Board finds the above matters are not found among those listed under K.S.A. 44-534a as appealable from preliminary hearings. As such, the respondent's contention must be found under K.S.A. 44-551 which allows appeals from preliminary hearings only if it is alleged that the administrative law judge exceeded the administrative law judge's jurisdiction in granting or denying the relief requested at the preliminary hearing.

Claimant filed notice to take the deposition of Gail Carrier, Duces Tecum, on or about September 19, 1995. Shortly thereafter, respondent filed its Motion to Quash the deposition arguing that the deponent was not involved in claimant's workers compensation claim and had no relevant information to said claim. Respondent argues claimant's

counsel is attempting to use this deposition for litigation unrelated to the workers compensation claim. The Administrative Law Judge affirmed claimant's right to take the deposition of Gail Carrier, but granted respondent's Motion to Quash in regard to certain specified items listed on claimant's notice.

In order for an administrative law judge to successfully run his or her docket, it is tantamount that the administrative law judge be allowed to make daily decisions regarding the taking of depositions and the admissibility of evidence in the record. Ruling on contested issues dealing with notice, depositions and motions to quash, are clearly within the administrative law judge's jurisdiction and are obviously necessary to maintain control of a litigation docket. As such, the Appeals Board finds the Administrative Law Judge did not exceed her jurisdiction in deciding respondent's Motion to Quash claimant's Notice of Deposition and, as such, this matter is not properly before the Appeals Board.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that respondent's appeal of the Order of Administrative Law Judge Nelsonna Potts Barnes dated October 10, 1995, should be, and is hereby, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Michael Snider, Wichita, Kansas  
Frederick L. Haag, Wichita, Kansas  
John C. Nodgaard, Wichita, Kansas  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director